

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) v.) 03-CR-30008-MAP
)
JOSE MERCED, ET AL,)

ORDER RE: TRIAL DATE

February 11, 2005

PONSOR, D.J.

On February 9, 2005, counsel for defendants Cirilio Delgado and Daniel Almonte appeared before this court for argument on the remaining motions outstanding in this case. At that time, the court noted its rulings on some of the motions and ordered the Government to submit supplemental affidavits with regard to the others. It is likely that all motions in this case will have received rulings by March 15, 2005.

At the motion hearing, the court discussed with counsel for Almonte and Delgado possible potential trial dates. Attorney Black indicated at that time potential conflicts with serious criminal cases scheduled through the spring of this year.

After discussion, the court indicated an inclination to establish a date for a status conference at which counsel for all defendants possibly (or definitely) going to trial would appear to discuss the scheduling of trial. On reflection, however, a more prudent course is to establish a trial date sufficiently in the future to insure that all potential trial counsel will be available.

With this in mind, the court hereby sets September 12, 2005 as the date for commencement of trial in this matter. This is a firm trial date and will not be continued for any reason. It is expected that trial in this matter will require six weeks. All counsel for defendants going to trial in this case should therefore set aside in their calendars the period of September 12, 2005 through October 21, 2005.

Any defendant wishing to offer a plea in this case should understand that the September 12, 2005 trial date is firm and make arrangements to complete plea negotiations to insure that the plea is entered no later than August 19, 2005. Pleas offered after that date will place the defendant in the position of losing the benefit of a discretionary reduction of the sentence based upon acceptance of responsibility under the

now-advisory Sentencing Guidelines. All motions in limine, including motions related to Fed. R. Evid. 404(b), should be filed by August 1, 2005 and opposed no later than August 15, 2005. Counsel will appear for argument on the motions in limine and for a status conference on September 7, 2005 at 2:00 p.m.

It is understood that this case has been designated as exempt from the normal restrictions of the speedy trial clock due to its extreme complexity and the number of defendants involved.

It is So Ordered.

A handwritten signature in black ink, appearing to read "Michael A. Ponsor", is written over a horizontal line.

MICHAEL A. PONSOR

United States District Judge